IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

**(Special Original Jurisdiction)**

THURSDAY, TWENTY FIFTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.**10584 of 1997**

Between:

1. P.Muralidhar s/o.Adimurthy
2. Obi Reddy s/o. Nagi Reddy
3. S.Ramulamma w/o.Nallapureddy

aged about 55 years

(All are R/o.Chennampalli village,

Bukkarayasamudram Mandal,

Anantapur District). ..Petitioners

AND

1. The Mandal Revenue Officer,

Bukkarayasamudram Mandal,

Anantapur District.

2. The Station House Officer,

Bukkarayasamudram Police Station,

Anantapur District.

3. The Joint Collector,

Anantapur. ..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of mandamus declaring the action of the respondents in taking steps for eviction of the petitioners from the small pieces of land in first ward of Chennampalli village, Bukkarayasamudram Mandal, Anantapur District without resorting to the principles of Land Encroachment Act and without issuing any notice or opportunity to the petitioners as illegal, irregular, arbitrary, unjustified, contrary to the established principles of law and rules of natural justice and unsustainable and direct the respondents to continue the petitioners to be in possession and enjoyment of the small extents of the land in first ward, Chennampalli village, Bukkarayasamudram Mandal, Anantapur District and pass such other suitable orders.

Counsel for the petitioners : Sri P.Veera Reddy

Counsel for the respondents : Government Pleader for Assignment

The Court made the following :

**ORDER:**

Heard both the Counsel.

The Counsel for the petitioners contents that the property in question is a private property and without following the due process of law the respondents had unauthorisedly interfered and hence the Writ Petition was filed.

On the contrary the learned Government Pleader for Assignment would contend that this is the property belonging to the Government and hence the petitioners cannot claim any right whatsoever over the said property.

In W.P.M.P.No.12861/97 this Court granted interim direction not to dispossess the petitioners from small pieces of lands in First Ward in Chennampalli village, Bukkarayasamudram Mandal, Anantapur

District pending the Writ Petition. In view of the facts and circumstances and also in the light of the interim direction already granted, this Court is of the considered opinion that in the light of the respective stands taken by both the Counsel, the possession of the petitioners cannot be disturbed except by following the due process of law. It is made clear that respondents 1 and 3 herein are at liberty to initiate appropriate proceedings if they are inclined to do so as per law. Till then the possession of the petitioners shall not be disturbed and status quo as on today to be maintained till the petitioners are evicted by due process of law.

The Writ Petition is disposed of accordingly. No order as to costs.

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P.S.Narayana.,J

Date : 25-11-2004

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To

1. The Mandal Revenue Officer,
   Bukkarayasamudram Mandal,
   Anantapur District.
2. The Station House Officer,
   Bukkarayasamudram Police Station,
   Anantapur District.
3. The Joint Collector,
   Anantapur.
4. 2 copies to G.P. for Assignment,

High Court of Andhra Pradesh,

High Court Buildings,

Hyderabad (OUT).

5. 2 C.D. copies